



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable M. F. Foster  
County Auditor  
Smith County  
Tyler, Texas

Dear Sir:

Opinion No. 0-7136

Re: Whether or not H. B. 555,  
49th Legislature, is appli-  
cable to the 7th Judicial  
District Court and the Special  
District Court of Smith and  
Wood Counties.

We have received your letter of recent date request-  
ing an opinion from this Department on the above subject matter.  
As stated in your letter, the Special District Court of Smith  
and Wood counties is composed of two counties, and the 7th  
Judicial District Court is composed of Smith, Wood and Upshur  
counties.

Article 2327a, V. A. C. S., provides in part as fol-  
lows:

"In each Judicial District of this State  
composed of one county only, and in which county  
there is only one District Court, and also in  
each Judicial District composed of two (2) or  
composed of one county, which county composes also  
a portion of another Judicial District, the salary  
of the official Court Reporter shall be Twenty-  
seven Hundred Dollars (\$2700) per annum, in addi-  
tion to the compensation for transcript fees and  
allowances for expenses now provided by law; said  
salary to be paid monthly by the Commissioners  
Court of the county or counties, out of the Gen-  
eral Fund of the county or counties, upon the cer-  
tificate of the District Judge; provided that in  
any Judicial District composed of two (2) or more  
counties said salary shall be paid by such coun-  
ties of the District in proportion to the number

of weeks provided by law for holding Court in the respective counties in the District; and provided that in a District wherein in any county the term may continue until the business is disposed of, each county shall pay in proportion to the time Court is actually held in such county; . . ."

House Bill No. 555, Acts of the 49th Legislature, Ch. 291, page 460, provides in part as follows:

"Section 1. That Article 2326, Chapter 13, Revised Civil Statutes of Texas, 1925, and all subsections of Article 2326, be and the same are hereby amended so as to hereafter read as follows:

"Article 2326

"The official shorthand reporter of each Judicial District Court, civil or criminal, and the official shorthand reporter of each County Court at Law, civil or criminal, shall receive a salary of not less than Two Thousand, Four Hundred Dollars (\$2,400) per annum and not more than Three Thousand, Seven Hundred and Fifty Dollars (\$3,750) per annum. Said salary shall be fixed and determined by the District Judges of the Judicial Districts, civil or criminal, and the Judges of the County Court at Law, civil or criminal, who shall enter an order in the minutes of the Court, in each county of the district, which shall be a public record and open for public inspection, stating specifically the amount of salary to be paid said reporter. The District Judge shall file a copy of said order with each Commissioners Court of the District. The salary shall be in addition to the transcript fees and traveling and hotel expenses of official shorthand reporters, as is now provided by law.

"The salary shall be paid monthly by the Commissioners Court of the county or counties in the Judicial Districts, civil or criminal, and the County Courts at Law, civil or criminal, out of any available fund of the county or counties that the Commissioners Court may desire to pay the same, according to Articles 2326H and 2327A.

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"The provisions of this Act shall not apply to counties having population of not less than two hundred and twenty thousand (220,000) nor more than three hundred and ninety thousand (390,000) inhabitants."

"Sec. 2. The provisions of this Act are and shall be held and construed to be cumulative of all General and Special laws of this State on the subject treated of and embraced in this Act when not in conflict therewith, but in case of conflict, in whole or in part, this Act shall control in so far as any conflict exists. All laws and parts of laws in conflict with said Act are hereby repealed.

"Provided, however, this Act does not repeal nor amend Articles 2326A, 2326B, and 2327A of Chapter 13."

It will be noted by the underlined portions of H. B. 555 that the shorthand reporters of the District Courts covered by Article 2327a are expressly excluded from the operation of H. B. 555. Since the shorthand reporters in the Special District of Smith and Wood counties and the 7th Judicial District Court are compensated under Article 2327a, it is the opinion of this Department that H. B. 555 is not applicable to said shorthand reporters.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

/signed/

By

J. C. Davis, Jr.  
Assistant

APPROVED OCT. 3, 1946  
/s/ Grover Sellers  
ATTORNEY GENERAL OF TEXAS

JR/JCP

APPROVED  
OPINION COMMITTEE  
BY BWB  
CHAIRMAN